

2. The failure to file the certificate was neither willful nor the result of gross negligence.

(2) (I) A claim OR ACTION filed after July 1, 1986, may be adjudicated in favor of the claimant OR PLAINTIFF on the issue of liability, ~~AS TO A DEFENDANT~~ if the defendant disputes liability and fails to file a certificate of a qualified expert attesting to compliance with standards of care, or that the departure from standards of care is not the proximate cause of the alleged injury, within 120 days from the date the claimant OR PLAINTIFF served the certificate of a qualified expert set forth in paragraph (1) of this subsection on the defendant.

(II) If the defendant does not dispute liability, a certificate of a qualified expert is not required under this subsection.

(III) The defendant shall serve a copy of the certificate on all other parties to the claim OR ACTION or their attorneys of record in accordance with the Maryland Rules.

(3) (I) The attorney representing each party, or the party proceeding pro se, shall file the appropriate certificate with a report of the attesting expert attached.

(II) Discovery is available as to the basis of the certificate.

(4) [The attesting expert] A HEALTH CARE PROVIDER WHO ATTESTS IN A CERTIFICATE OF A QUALIFIED EXPERT OR WHO TESTIFIES IN RELATION TO A PROCEEDING BEFORE AN ARBITRATION PANEL OR A COURT CONCERNING COMPLIANCE WITH OR DEPARTURE FROM STANDARDS OF CARE may not devote annually more than 20 percent of the expert's professional activities to activities that directly involve testimony in personal injury claims.

(5) An extension of the time allowed for filing a certificate of a qualified expert under this subsection shall be granted for good cause shown.

(6) In the case of a claim OR ACTION against a physician, the Director ~~OR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AS THE CASE MAY BE~~, shall forward copies of the certificates filed under paragraphs (1) and (2) of this subsection to the State Board of Physicians.

(7) For purposes of the certification requirements of this subsection for any claim OR ACTION filed on or after July 1, 1989:

(i) A party may not serve as a party's expert; and

(ii) The certificate may not be signed by:

1. A party;

2. An employee or partner of a party; or

3. An employee or stockholder of any professional corporation of which the party is a stockholder.